

U.S. Patent Application Serial No. 10/781,858
Amendment filed June 10, 2007
Reply to OA dated March 14, 2007

REMARKS

Claims 1 - 25 are currently pending in this patent application, claims 1, 4, 6 and 13 - 25 being independent claims.

Claims 1, 13, 20 and 23 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. It is believed that this Amendment is fully responsive to the Office Action dated March 14, 2007.

With respect to the Examiner's comments on the title of the invention, the title has been amended, in its entirety, to one that is descriptive of the applicant's claimed invention. Accordingly, the withdrawal of the outstanding objection to the title of the invention is in order, and is therefore respectfully solicited.

Claims 13, 20 and 23 are rejected under 35 U.S.C. 101 for the reasons set forth in item 1, pages 2 and 3 of the outstanding Action. The applicant respectfully requests reconsideration of this rejection.

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In July 1998, the Court of Appeals for the Federal Circuit, in the case of *State Street Bank and Trust Co. v. Signature Financial Group, Inc.*, 47 USPQ2d 1596 (Fed. Cir. 1998), suggested that almost any unobvious software-related invention is patentable if the claims are properly drawn. The patent involved in the *State Street Bank* case, U.S. Patent No. 5,193,056, is generally directed to a data processing system for implementing an investment structure dealing with the administration and accounting of mutual stock funds.

The court held that the transformation of data in a software-related patent (*e.g.*, in the *State Street Bank* case, which represented “discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price”) constitutes:

- (a) a “practical application of a mathematical algorithm, formula, or calculation,” but
- (b) nevertheless, produces “a useful, concrete and tangible result.”

In the instant case, the claimed invention, as set forth in each of claims 13, 20 and 23, not only meets the first requirement in *State Street Bank*, but also meets the second requirement in that, for example, when it is determined that type information is not identical, acquiring the information of the information area corresponding to the recording information area storing at least one of the recording information out of the recording information acquired before acquiring the recording information that is determined not identical; and outputting the information based on the acquired

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recording information. Such limitations in, e.g., each of claims 13 and 20, meet the “useful, concrete and tangible result” *State Street Bank* case requirement. Similarly, in claim 23, when it is determined that the recording information is abnormal, acquired is the information of the information area corresponding to the recording information area storing at least one of the recording information out of the recording information acquired before acquiring the recording information that is determined as abnormal. Such claim limitation similarly meets the *State Street Bank* case requirements.

In view of the above, the withdrawal of the outstanding rejection under 35 U.S.C. 101 is in order, and is therefore respectfully solicited.

Further, the following rejections are set forth in the outstanding Office Action:

- (1) claims 1 - 3, 9, 11, 13, 16, 20 and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 2004-039008; and
- (2) claims 1 - 3, 9, 11, 13, 16, 20 & 23 are rejected under 35 U.S.C. 102(b) as being anticipated by either the “Cactus Data Shield 200” article, or the “Fleurio Versions-History: Version 1.64,” or alternatively, under 35 USC 103 as being obvious based on such references.

The applicant respectfully requests reconsideration of these rejections.

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According to the applicant's claimed invention, as now recited in the claims filed herewith, it is specified that the claimed invention requires type information determination for modifying information-acquiring process.

On the other hand, the teachings of the cited prior art references, singly or in combination, are directed merely to the checking of TOC consistency. That is, such teachings of the prior are not directed to the above-discussed teachings of the claimed invention with respect to the above determination of type of recording medium.

Accordingly, not all of the claimed elements or features of the claimed invention, as now recited in the amended claims filed herewith, are found in exactly the same situation and united in the same way to perform the identical function in the cited prior art references. Thus, there can be no anticipation of the claimed invention by the cited prior art references.

Also, for the reasons discussed above, a person of ordinary skill in the art would not have found the applicants' claimed invention obvious based on the teachings of the cited prior art references, singly or in combination.

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In view of the above, the withdrawal of the outstanding rejection under 35 U.S.C. 102(a) based on JP 2004-039008, and the outstanding rejections under 35 U.S.C. 102(b) based on either the "Cactus Data Shield 200" article, or the "Fleurio Versions-History: Version 1.64," or alternatively, under 35 USC 103 as being obvious based on such references is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, title of the invention, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

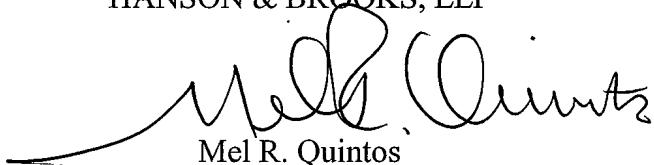
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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